

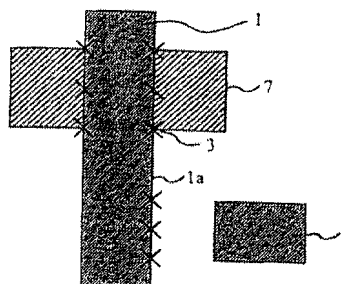
REMARKS

Independent claims 1 and 15 have been amended to address the 101 rejection in accordance with the instructions on page 3 of the Office Action. Independent claim 8 has been amended to address the 101 rejection in accordance with the instructions on page 6 of the Office Action. The 101 rejection of dependent claims 2-7, 9-14, 16-20 and 22-26 has been overcome, due to the dependencies on amended independent claims 1, 8 and 15, respectively.

Turning to the art rejections and considering first the rejection of claims 1, 4, 5, 8, 11, 12, 15, 18, 19, 21-26, 27 and 28 under 35 USC §103(a) as being unpatentable over Tounai in view of U.S. Patent 6,350,977 to Taoka (newly cited) independent claims 1, 8, 15, 27 and 28 each require, in part, “wherein the quantity of sampling points on the edge of said first pattern in the first area is different than the quantity of sampling points on the edge of said first pattern in the second area.” The Examiner acknowledges that Tounai fails to teach this feature, and looks to Taoka to supply the missing teachings.

The Examiner cites Fig. 24, col. 3, lines 1-20 of Taoka to support the rejection. Fig. 24 of Taoka is reproduced herein for convenience:

FIG. 24



With reference to Fig. 24, Col. 3, lines 1-20 of Taoka teaches that reference symbol 1 denotes a layout pattern, 1a is its pattern edges and reference symbol 3 are the sampling points. Reference

symbol 7 is a layout pattern in another layer and reference symbol 8 is another layout pattern in the same layer as the layout pattern 1. Taoka specifies, “it is attempted to further reduce the number of sampling points and increase the processing speed by setting the sampling points 3 on the pattern edges 1a selectively in accordance with presence/absence of the adjacent layout pattern 8 and the layout pattern 7 in another layer and conditions relating to corners etc. and causing simulation results of the sampling points 3 to represent values of the entire edges.” See Col. 3, lines 7-14.

This teaching of Taoka fails to disclose the abovementioned requirements of claims 1, 8, 15, 27 and 28, as it fails to disclose any information concerning, “the *quantity* of sampling points on the edge of said first pattern in the first area is different than the *quantity* of sampling points on the edge of said first pattern in the second area.” Fig. 24 illustrates only three sampling points 3 on each of the pattern edges 1a. Thus, the quantity of sampling points on each of the pattern edges 1a is the same. Likewise, the cited passage of Taoka merely teaches that the sampling points 3 may represent values of the entire edges, but fails to disclose any teaches concerning the quantity of the sampling points. Taoka provides no teachings whatsoever that the values the sampling points 3 represent are a quantity of sampling points. Furthermore, Taoka only discloses that the sampling points 3 may represent values of the *entire edges*, not along a first area or a second area of a pattern, as is specified by claims 1, 8, 15, 27 and 28. For at least these reasons, Tounai in view of Taoka fails to support the rejection under §103. Accordingly, withdrawal of the rejection is respectfully requested.

Claims 4, 5, 11, 12, 18, 19 and 21-26 dependent from claims 1, 8 and 15 as the case may be, and are allowable over the art for the same reasons that claims 1, 8 and 15 are allowable, as well as for their one additional limitations.

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In addition, Applicant notes that the other references used with the §103 rejections, Tsudaka and Miyazaki, also fail to teach or disclose this limitation of claims 1, 8 15, 27 and 28. Specifically, Tsudaka teaches only one sampling point per area (see FIGS. 8, 9, 13, 16, 17, 21, 26, 27, 33 and 34) and Miyazaki fails to disclose any discussion of a quantity of sampling points within a particular area.

The rejection of claims 2, 3, 9, 10, 16 and 17 under 35 USC §103(a) as being unpatentable over Tounai and Taoka and further in view of U.S. Patent 5,991,006 to Tsudaka also is in error. The rejected claims depend from one of independent claims 1, 8 and 15. As discussed above with respect to the rejection of claims 1, 8 and 15, Tounai in view of Taoka, even assuming *arguendo* that the Examiner's interpretation of Tsudaka is correct, Tsudaka does not overcome the deficiencies of the Tounai/Taoka combination. Thus, each of claims 6, 7, 13, 14 and 20 are allowable over the art as being dependent upon an allowable independent claim, as well as for their own limitations.

The rejection of claims 6, 7, 13, 14 and 20 under 35 USC §103(a) as being unpatentable over Tounai and Taoka and further in view of U.S. Patent 6,665,858 to Miyazaki also is in error. The rejected claims depend from one of independent claims 1, 8 and 15. As discussed above with respect to claims 1, 8 and 15, Tounai in view of Taoka fails to support the rejection under §103. Even assuming *arguendo* that the Examiner's interpretation of Miyazaki is correct, Miyazaki does not overcome the deficiencies of Tounai in view of Taoka. Thus, each of claims 6, 7, 13, 14 and 20 are allowable over the art as being dependent upon an allowable independent claim, as well as for their own limitations.

Having dealt with all the objections raised by the Examiner, the Application is believed to be in order for allowance. Early and favorable action is respectfully requested.

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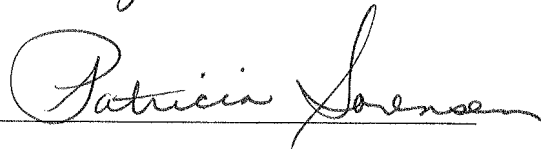
Respectfully submitted,



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